Regulating Non-Medical Marijuana: Lessons Learned and Paths Forward

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Regulating Non-Medical Marijuana: Lessons Learned and Paths Forward

American Society of Law, Medicine & Ethics
Network for Public Health Law
Public Health Law Research Program

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Moderator Introduction

Alexander Wagenaar, Ph.D.
Professor of Health Outcomes and Policy at the University of Florida College of Medicine, Associate Director of the Public Health Law Research Program at Temple University

- M.S.W. in Program Evaluation and Research, and Ph.D. in Health Behavior from the University of Michigan

- Research interests/areas of expertise:
  - Social and behavioral epidemiology, public health policy, legal evaluations, community intervention trials, alcohol and tobacco studies, violence prevention, traffic safety and injury control.
  - Evaluation of public policy changes and community-level interventions, using both randomized trial and controlled time-series research designs and statistical methods.
Panel Introduction

Beau Kilmer, Ph.D.
Co-Director, RAND Drug Policy Research Center and Senior Policy Researcher, RAND Corporation; Professor, Pardee RAND Graduate School

- M.P.P., University of California, Berkeley; Ph.D., Public Policy, Harvard University

- Research interests/areas of expertise:
  - Intersection of public health and public safety, with special emphasis on substance use, illicit markets, crime and public policy.
  - Illegal drug markets, consequences of alternative marijuana policies, effect of South Dakota’s 24/7 Sobriety Program on drunk driving and domestic violence outcomes, and other programs intended to reduce violence.
Panel Introduction

Amanda Reiman, Ph.D.
California Policy Manager, Drug Policy Alliance

- M.S.W. from Jane Addams College of Social Work, Ph.D. in Social Welfare from the University of California-Berkeley

- Research interests/areas of expertise:
  - Studies on medical marijuana dispensaries, patients and the use of marijuana as treatment for addiction,
  - Teaches Drug and Alcohol Policy, Substance Abuse Treatment, and Sexuality and Social Work at UC Berkeley.
  - Past experience includes working with medical marijuana dispensary, Berkeley Patients Group, as director of research and patient services.
Panel Introduction

Laura Hitchcock, J.D.
Policy Research & Development Specialist – Assessment, Policy Development & Evaluation Unit, Office of the Director, Public Health – Seattle & King County

- J.D., from University of Oregon
- Research/Areas of Expertise:
  - Public health systems and services, public health law, policy surveillance and evaluation, reducing or preventing health disparities.
  - Technical oversight of policy surveillance, data and policy environment-driven approaches to identify policy needs.
Developing Public Health Regulations for Marijuana

Starting a Discussion Based on Lessons From Alcohol and Tobacco

Beau Kilmer, PhD

Senior Policy Researcher, RAND Corporation
Co-Director, RAND Drug Policy Research Center
Professor, Pardee RAND Graduate School
What is happening now is unprecedented.
What is happening now is unprecedented
What is happening now is unprecedented
Not even the Netherlands goes this far
RAND hosted meeting to brainstorm about what could be learned from alcohol & tobacco research
Key insights summarized in new *AJPH* article

**Developing Public Health Regulations for Marijuana: Lessons From Alcohol and Tobacco**

Rosalie Liccardo Pacula, PhD, Beau Kilmer, PhD, Alexander C. Wagenaar, PhD, Frank J. Chaloupka, PhD, and Jonathan P. Caulkins, PhD

Until November 2012, no modern jurisdiction had removed the prohibition on the commercial production, distribution, and sale of marijuana for nonmedical purposes—not even the Netherlands. Government agencies in Colorado and Washington are now charged with granting production and processing licenses and developing regulations for legal marijuana, and other states and countries may follow. Our goal is not to address whether marijuana legalization is a good or bad idea but, rather, to help policymakers understand the decisions they face and some lessons learned from research on public health approaches to regulating alcohol and tobacco over the past century. (*Am J Public Health. Published online ahead of print* April 17, 2014: e1–e8. doi:10.2105/AJPH.2013.301766)

weight, as a percentage of value (ad valorem), or on some other basis, such as Δ-9-tetrahydrocannabinol (THC) content? Should marijuana be sold in conventional stores alongside other products or only in specialized venues? What about within-state Internet sales? Although the questions are new for marijuana, policymakers have grappled with similar questions pertaining to alcohol and tobacco, raising the question of what lessons
Please keep in mind

• Reasonable people can disagree about the merits of legalizing marijuana
  – Tremendous uncertainty, different beliefs

• We do not take a position about whether marijuana legalization is a good or bad idea

• This is a starting point for discussion, not the final word
Focus on 5 oft discussed public health objectives

• To reduce:
  1. Access, availability, and use by youths
  2. Drugged driving
  3. Risk of dependency and addiction
  4. Consumption of marijuana products with unwanted contaminants, uncertain potency
  5. Concurrent use of marijuana and alcohol, particularly in public settings

• Of course, there are other objectives
For jurisdictions thinking about marijuana legalization and interested in these objectives, there are at least seven lessons from the evidence on alcohol and tobacco regulations.
1. Keep prices artificially high

• Legalization of marijuana could substantially reduce production & distribution costs
  – Caulkins (2010); Kilmer et al (2010); Caulkins et al. (2012)

• Hundreds of studies on tobacco and alcohol show that raising prices reduces use
  – Marijuana is also an “ordinary” good (Pacula, 2010; Gallet, 2013)

• Can increase prices with taxes, regs, production decisions
2. Adopt a state monopoly

- State alcohol monopolies keep the price higher, reduce access for youths, and reduce overall levels of use
  - E.g., Wagenaar & Holder (1991, 2005); Cook (2007)

- Difficult to implement for marijuana in the U.S. because of continuing federal prohibition
  - Could amend CSA or implement a waivers system (Kleiman, 2013)
3. Restrict & carefully monitor licenses/licensees

- Strong licensing system in which licenses are required to participate in any part of the supply chain

- Keeping number of licenses small helps control the cost of regulating these businesses and enforcing compliance

- Strong positive relationship between alcohol outlet density and alcohol misuse
  - E.g., Campbell et al. (2009)
4. Limit the types of products sold

- Alcohol and tobacco industry have developed products that are particularly appealing to youths

- Lesson for marijuana may be to establish authorities’ rights to impose regulations from the outset

- Subjects for regulation could include:
  - What is in the product (e.g., additives, pesticides, flavorings, nicotine)
  - Limits on THC content or THC:CBD ratios
5. Attempt to limit marketing

• Policy makers in Colorado and Washington are working hard . . .

• . . . but the US doctrine of commercial free speech makes it difficult to limit advertising

• With federal ban on marijuana, market restrictions may be possible because of threat of sanctions
6. Restrict public consumption

• Two purposes
  – Reduces secondhand exposure to smoked marijuana
  – Reduces the extent to which marijuana use is seen by youths as socially acceptable or normative

• Tobacco lit shows clean indoor air laws targeting public places where youths congregate are associated with reduced initiation and self-reported use of cigarettes
7. Measure and prevent impaired driving

- Driving under the influence of marijuana can be dangerous
  - E.g., Room et al. (2010); Li et al (2012)
  - Especially when mixed with alcohol (Ramaekers et al., 2004)

- Hard to measure and determine level of THC concentration = impairment

- Some lessons can be learned from alcohol literature
Concluding thoughts

• Our goal is to help inform serious discussions

• We realize there are multiple reasons for approving or opposing changes in marijuana policy
  – Public health is not a priority for everyone

• There are also multiple public health objectives
  – We only focused on five
  – Need to pay close attention to what happens with alcohol
Concluding thoughts

• If a jurisdiction is going to legalize marijuana, seems prudent from a public health perspective to open up the market slowly

• Remember: Lots of policy space between prohibition and alcohol model

• Decisions do not have to be permanent
Marijuana regulation in the context of social justice

Amanda Reiman, Ph.D., Drug Policy Alliance

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Decriminalization vs. Legalization

- **Decriminalization**: removing criminal penalties

- **Legalization**: establishing a system of taxing and regulating the production, processing and distribution of marijuana.

- Seventeen states plus Washington DC have decriminalized possession of personal amounts of marijuana.

- Is this enough? Do we need to also sanction the production and selling of marijuana?

Marijuana regulation in the context of social justice
Decriminalization

**Upsides:**
- 88% of people in jail for marijuana are there for possession only.
- Most young people who get in trouble for marijuana do so for possession only.
- Huge costs of policing and prosecuting people for marijuana possession ($75 million in 2013 in NYC alone)
- Removal of collateral sanctions for marijuana misdemeanors

**Downsides:**
- Does nothing to address the illicit market (may in fact bolster it)
- No regulation over where marijuana can be grown or sold
- No tax revenue
- The most intense racial disparities are at the level of sales

Marijuana regulation in the context of social justice
Legalization

- **Upsides:**
  - Everything mentioned for decriminalization
  - Control over where marijuana is grown and sold
  - Control over the quality of the product
  - Addresses the racial and economic disparities
  - Removal of collateral sanctions for all marijuana offenses

- **Downsides:**
  - Large industries are powerful forces
  - The heaviest users make up the majority of the market
  - If the price is not set correctly, there could still be an illicit market

Marijuana regulation in the context of social justice
The one reason that really matters

- Under decriminalization, sales remain a serious offense, even though the consumer is protected.

- The collateral sanctions for marijuana offenses are highly detrimental to individual success
  - Denial of college funding, welfare, food stamps, public housing, and organs
  - Removal of children from the home
  - Voter disenfranchisement

- Marijuana is policed in a racially biased manner
  - In California, African Americans make up 7% of the population and 20% of those arrested for marijuana felonies. They are also 12x more likely to go to prison for marijuana felony charge.
The need to legalize sales

### New felon/parole violator admissions to prison for marijuana offenses, 2010

<table>
<thead>
<tr>
<th>Offense category</th>
<th>Total</th>
<th>White</th>
<th>Hispanic</th>
<th>Black</th>
<th>Asian</th>
<th>All Nonblack</th>
<th>Black vs. All Nonblack</th>
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</thead>
<tbody>
<tr>
<td>Hashish possession</td>
<td>45</td>
<td>17</td>
<td>8</td>
<td>15</td>
<td>5</td>
<td>30</td>
<td></td>
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<tr>
<td>Marijuana possession for sale</td>
<td>733</td>
<td>121</td>
<td>247</td>
<td>328</td>
<td>37</td>
<td>405</td>
<td></td>
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<tr>
<td>Marijuana sales</td>
<td>320</td>
<td>65</td>
<td>102</td>
<td>141</td>
<td>12</td>
<td>179</td>
<td></td>
</tr>
<tr>
<td>Marijuana possession</td>
<td>126</td>
<td>48</td>
<td>56</td>
<td>11</td>
<td>11</td>
<td>115</td>
<td></td>
</tr>
<tr>
<td>All marijuana offenses</td>
<td>1,224</td>
<td>251</td>
<td>413</td>
<td>495</td>
<td>65</td>
<td>729</td>
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</tr>
</tbody>
</table>

### Imprisonment rate for marijuana offenses per 100,000 pop age 18-69

<table>
<thead>
<tr>
<th>Offense category</th>
<th>Total</th>
<th>White</th>
<th>Hispanic</th>
<th>Black</th>
<th>Asian</th>
<th>All Nonblack</th>
<th>Black vs. All Nonblack</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hashish possession</td>
<td>0.2</td>
<td>0.2</td>
<td>0.1</td>
<td>1.0</td>
<td>0.1</td>
<td>0.1</td>
<td>7.5</td>
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<tr>
<td>Marijuana possession for sale</td>
<td>2.9</td>
<td>1.1</td>
<td>2.8</td>
<td>20.9</td>
<td>0.9</td>
<td>1.7</td>
<td>12.1</td>
</tr>
<tr>
<td>Marijuana sales</td>
<td>1.3</td>
<td>0.6</td>
<td>1.2</td>
<td>9.0</td>
<td>0.3</td>
<td>0.8</td>
<td>11.8</td>
</tr>
<tr>
<td>Marijuana possession</td>
<td>0.5</td>
<td>0.5</td>
<td>0.6</td>
<td>0.7</td>
<td>0.3</td>
<td>0.5</td>
<td>1.4</td>
</tr>
<tr>
<td>All marijuana offenses</td>
<td>4.9</td>
<td>2.4</td>
<td>4.7</td>
<td>31.6</td>
<td>1.6</td>
<td>3.1</td>
<td>10.2</td>
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</tbody>
</table>

### Arrest rate for marijuana offenses per 100,000 population age 18-69

<table>
<thead>
<tr>
<th>Offense category</th>
<th>Total</th>
<th>White</th>
<th>Hispanic</th>
<th>Black</th>
<th>Asian</th>
<th>All Nonblack</th>
<th>Black vs. All Nonblack</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana felonies</td>
<td>57.5</td>
<td>47.3</td>
<td>53.0</td>
<td>240.1</td>
<td>23.7</td>
<td>45.3</td>
<td>5.3</td>
</tr>
<tr>
<td>Marijuana possession</td>
<td>159.3</td>
<td>141.9</td>
<td>168.8</td>
<td>473.1</td>
<td>65.1</td>
<td>138.4</td>
<td>3.4</td>
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<tr>
<td>Total marijuana</td>
<td>216.8</td>
<td>189.2</td>
<td>221.8</td>
<td>713.2</td>
<td>88.8</td>
<td>183.7</td>
<td>3.9</td>
</tr>
</tbody>
</table>

### Percent of marijuana arrests resulting in imprisonment

<table>
<thead>
<tr>
<th>Offense category</th>
<th>Total</th>
<th>White</th>
<th>Hispanic</th>
<th>Black</th>
<th>Asian</th>
<th>All Nonblack</th>
<th>Black vs. All Nonblack</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana felonies</td>
<td>7.3%</td>
<td>3.7%</td>
<td>7.5%</td>
<td>12.5%</td>
<td>5.0%</td>
<td>5.5%</td>
<td>2.3</td>
</tr>
<tr>
<td>Marijuana possession</td>
<td>0.4%</td>
<td>0.4%</td>
<td>0.4%</td>
<td>0.4%</td>
<td>0.6%</td>
<td>0.4%</td>
<td>0.8</td>
</tr>
<tr>
<td>Total marijuana</td>
<td>2.3%</td>
<td>1.3%</td>
<td>2.1%</td>
<td>4.4%</td>
<td>1.8%</td>
<td>1.7%</td>
<td>2.6</td>
</tr>
</tbody>
</table>

Marijuana regulation in the context of social justice
Sanctions….the facts.

- In 38 states, a misdemeanor marijuana conviction can bar a person from adopting a child. In 7 states, that can be for life.
- In 12 states, a felony marijuana conviction results in a bar on receiving food stamps or TANF. In 3 states this ban can be lifetime. This stipulation does not exist for robbery, kidnapping, or murder.
- In 20 states, a professional license may be revoked for a misdemeanor marijuana conviction, even if use was unrelated to work.
- In 28 states, a student convicted of marijuana possession will be denied Federal funding for a year and may be denied state funding for longer.
- In 21 states and DC, a misdemeanor marijuana charge will result in a 6 month suspension of the driver’s license.
- In 47 states, marijuana felonies result in voter disenfranchisement. In 6 states, this can last for life.
- In 46 states, any marijuana conviction (and sometimes even arrest only) results in a 3 year bar from public housing.

Marijuana regulation in the context of social justice
Conclusions

- It is a fallacy that prohibition equals control
- There are many shades of gray within both decriminalization and legalization
- States should be free to decide which model to adopt
- “We don’t want marijuana users to go to jail”
- What about the kids?
  - Use does not increase when a state passes a medical marijuana law
  - Lessons from tobacco
  - Opportunity for an honest conversation about drugs and making good decisions
Marijuana Legalization & Local Public Health Response - Lessons from King County, WA

Laura Hitchcock, J.D., Seattle & King County

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The Marijuana Legalization Policy Debate

Arguments For
- Lower costs to law enforcement/criminal justice
- Eliminate disproportionate arrests (by race)
- Economic revenue to states/locals through taxation
- Already legal for ‘medical’ use
- Not very harmful; individual choice

Arguments Against
- Gateway drug?
- “Normalizes” smoking
- Youth use – effects
- Illegal under Federal law
- Like liquor stores, disproportionate impacts on neighborhoods
- Possible disproportionate use rates by population groups/geography/age
- Impossible to ‘constrain’ market to boundaries of legal area
State Context

- I-692: Medical Marijuana (1998) (RCW 69.51a)
- I-502: Recreational Marijuana (2012) (RCW 69.50)
- US Attorney General Guidance to Assistant AGs (2013)
Daily Coverage

Marijuana Legalization & Local Public Health Response - Lessons from King County, WA

Pot law: Hazy days ahead for state
Washington state moves into uncharted territory in 2014 with the opening of recreational pot businesses. Experts say to be ready for a bumpy ride.

By Sean Young
Seattle Times staff reporter

Washington state moves into uncharted territory in 2014 with the licensing and opening of legal recreational pot businesses.

We asked experts in the state and elsewhere to predict the year ahead for pot, not just here, but also around the country and the world.

Their overarching theme for 2014? Strap in for a bumpy ride.

Businesses will face adequate supply at first, falling prices and a new bureaucracy. Legal pot may be here to stay for a while, but its legality will remain uncertain.

MJ most popular

"The War on Marijuana: failure. It's the largest,"
(Kris Kobach)
Public Health implications of regulating marijuana

Marijuana Legalization & Local Public Health Response - Lessons from King County, WA
Equity in King County, WA

King County serves all residents by promoting fairness and opportunity and eliminating inequities.

King County Strategic Plan - Fair And Just Guiding Principle

Determinants of Equity

Affordable, safe, quality housing
Access to parks and natural resources
Equity in county practices
Access to affordable, healthy, local food
Equitable law and justice system
Community and public safety
Access to safe and efficient transportation

Quality education
Healthy built and natural environments
Family wage jobs and job training
Early childhood development
Economic development
Strong, vibrant neighborhoods

www.kingcounty.gov/Equity

The conditions in which people live, work and play are determinants of equity. Equal opportunity in these areas is necessary for all people to thrive and achieve their full potential regardless of race, income or language spoken.

Marijuana Legalization & Local Public Health Response - Lessons from King County, WA
Local Political Context

I-502 passage rate in King County

63.82%

Allowable retail licenses in King County

36

Approximate # medical marijuana dispensaries in King County, many clustered in certain areas

200+
King County Marijuana Legalization
Inter-Branch Team

Executive
Council
Public Health
Sheriff
Prosecuting Attorney
Natural Resources & Parks
Community & Human Services
Permitting & Environmental Review
Public Defender

Medical marijuana users
Anti-legalization groups
Researchers

Marijuana industry
Neighbors
Other local jurisdictions

Marijuana Legalization & Local Public Health Response - Lessons from King County, WA
King County Policy Principles

- Support effective implementation of the law, consistent with Federal guidance
- Prevent youth access and use
- Minimize disproportionate siting and neighborhood impacts
- Ensure protection of public health (i.e., preventing drugged driving, food safety)
- Close medical marijuana regulatory loophole
Local Policy & Implementation Issues

- Zoning for new marijuana businesses
  - How to treat existing dispensaries
  - Size limits
  - Rural, agricultural and forested areas
  - Conditional v outright permitted uses
  - Indoor v outdoor growing

- Local review process for state license applications (like liquor)

- County facilities
  - Parks rentals

Marijuana Legalization & Local Public Health Response - Lessons from King County, WA
Local Policy & Implementation Issues

- **Enforcement**
  - **Food Code**
    - Potentially hazardous foods (temperature controlled products)
  - **Clean Indoor Air & Places of Employment Law**
    - v. I-502 provisions “no consumption in view of the general public”
  - **Possession limits**
    - Youth
    - Adults
Local Policy & Implementation Issues

- **Costs**
  - State collects marijuana excise tax
  - State/Locals collect sales tax
  - Sufficient revenue to locals to respond? Off-set by lower criminal justice costs?

- **Public awareness/education**
  - Youth use
  - Drugged driving
  - Product safety

- **Treatment programs**
King County Inter-Branch Team Response

TO DATE:
- Analysis & comment on state regulations and bills
- Zoning Ordinance
- Medical marijuana moratorium & report to Council
- Review & comment on individual license applications (like liquor)
- Public health FAQ webpage (http://www.kingcounty.gov/healthservices/health/marijuana.asp)

PENDING:
- Food Code clarifications
- Possible education programs? (state marijuana tax revenues)
- Address ongoing implementation issues
- Research focus
  - Evaluation of impacts
  - Surveillance (adult and youth use)
  - Mapping local ordinances
King County, WA 2004-2012

Youth Current Marijuana Use by Race and Ethnicity, King County, 2004-2012

Data Source: WA State Healthy Youth Survey
Produced By: Public Health - Seattle & King County. Assessment. Policy Development & Evaluation. 5/2013

Marijuana Legalization & Local Public Health Response - Lessons from King County, WA
State Context: Local Jurisdiction Response to I-502

The Center for the Study of Cannabis and Social Policy

Marijuana Legalization & Local Public Health Response - Lessons from King County, WA
Public Health Law Study: “Pot-Friendly or Pot-Restrictive? Mapping Local Marijuana Laws in WA State” (Funded by Robert Wood Johnson Foundation)

Research Qs:

1) At baseline, in larger cities and all counties, what ordinances address:
   - Marijuana business siting/zoning
   - Youth access (directly or indirectly)?

2) One year later, are there:
   - More of these types of ordinances?
   - Changes to types of ordinances? (e.g., moratorium to ban)

Specific Aims:
- Develop data collection protocol for local ordinances
- Develop and apply coding scheme for analysis at 2 timepoints
- Display, analyze and disseminate coded results using LawAtlasSM
Interactive Query Map & Display: LawAtlas PolicyTracker

Sample Questions:

- What types of business operations are permitted uses?
  - Retail
  - Processor
  - Producer

- For conditional uses, what types of conditions exist?
  - Setback
  - Signage
  - Hours

- Is a separate local business license required?
  - Yes
  - No
## Ordinance Comparison Table – Washington State Cities

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Moratorium</th>
<th>Interim Zoning</th>
<th>Permanent Zoning</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seattle</td>
<td></td>
<td></td>
<td>Recreational: Ord 124326  &lt;10/7/13&gt;</td>
<td>626,600</td>
</tr>
<tr>
<td>Spokane</td>
<td>Recreational: Ord 35037  &lt;7/16/13&gt;</td>
<td></td>
<td></td>
<td>211,300</td>
</tr>
<tr>
<td>Tacoma</td>
<td>Recreational: Ord 28182  &lt;11/5/13&gt; 1 year</td>
<td></td>
<td></td>
<td>200,400</td>
</tr>
<tr>
<td>Vancouver</td>
<td></td>
<td></td>
<td></td>
<td>164,500</td>
</tr>
<tr>
<td>Bellevue</td>
<td>Recreational: Ord 6133-81  &lt;10/21/13&gt; 6 months</td>
<td></td>
<td></td>
<td>132,100</td>
</tr>
<tr>
<td>Kent</td>
<td>Recreational: Ord 4094  &lt;11/19/13&gt; 6 months</td>
<td></td>
<td></td>
<td>120,500</td>
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<tr>
<td>Everett</td>
<td>Recreational: Ord 3347-13  &lt;10/23/2013&gt; 1 year</td>
<td></td>
<td>Medical: Ord 3309-12  &lt;12/19/12&gt;  (Collective gardens &amp; dispensaries prohibited)</td>
<td>104,200</td>
</tr>
<tr>
<td>Renton</td>
<td>Recreational: Res 4199  &lt;11/4/13&gt; 6 months</td>
<td></td>
<td></td>
<td>95,540</td>
</tr>
<tr>
<td>Yakima</td>
<td>Recreational: Ord 2013-048  &lt;11/10/13&gt; 6 months</td>
<td></td>
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<td>92,620</td>
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<tr>
<td>Spokane Valley</td>
<td>Recreational: Ord 14-002  &lt;2/11/14&gt; 6 months</td>
<td></td>
<td></td>
<td>91,490</td>
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<tr>
<td>Federal Way</td>
<td>Recreational: Ord 13-749  &lt;11/5/13&gt; 1 year</td>
<td></td>
<td></td>
<td>89,720</td>
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<tr>
<td>Bellingham</td>
<td></td>
<td></td>
<td>Recreational: Ord 2013-08-061  &lt;8/12/13&gt; 12 months</td>
<td>82,310</td>
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<tr>
<td>Kirkland</td>
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<td></td>
<td></td>
<td>81,730</td>
</tr>
<tr>
<td>Kennewick</td>
<td>Recreational: Ord 5525  &lt;10/15/13&gt; 6 months</td>
<td></td>
<td></td>
<td>76,410</td>
</tr>
<tr>
<td>Auburn</td>
<td>Recreational: Ref 4992  &lt;9/6/13&gt; 1 year</td>
<td></td>
<td></td>
<td>73,235</td>
</tr>
</tbody>
</table>
Local lessons learned

**Public Health**

- Lack of strong evidence base – think before you respond.
- Marijuana ≠ tobacco. Many ways to use marijuana.
  - But can draw from tobacco & alcohol lessons & continue to address de-normalization of smoking.
- Traditional public health role (food safety, tobacco, injury prevention, surveillance) important but not only way to view public health response.
  - Work with agencies focused on substance abuse, land use permitting.

**General**

- Local policy / response team needs to be inter-disciplinary. Executive sponsor is important.
- Early, uniform state-driven messaging needed.
- Differing views on legalization – common principles key.
- State agency work is complex, focus is on setting up the system.
- Caution: Early preemption may not be best.
- Medical marijuana (in WA) in an unregulated environment creates challenges for local governments; could undermine legal market.
Regulatory eye of the beholder?

Marijuana Legalization & Local Public Health Response - Lessons from King County, WA
Questions?

THE DUPLEX

BY GLENN McCoy

NO, I'M NOT PRESCRIBING MEDICAL MARIJUANA. I SIMPLY SAID THE NEXT TIME YOUR STOMACH'S UPSET, TRY SOME GRASS.
Decriminalizes indiv. possession/small amounts for age 21+
Regulates seed-to-sale: sales allowed only through licensed pot stores
Quality control system
Limits # stores statewide/distributed by identified demand
1000 foot buffer from youth-serving facilities (wider definition than federal law)
Cannot ‘consume marijuana in view of the general public’
Retail separate from processor/producer facilities
25% tax on ea. level of producer/processor/retail sales; revenue to state “Marijuana Fund”
Adds marijuana DUI to DUI laws w/per se limit
Does not address medical marijuana (already legal)
Washington Liquor Control Board Authority

- Implementing & licensing authority of I-502
  - Ensuring public safety is the top priority;
  - Creating a three-tier regulatory system for marijuana;
  - Creating licenses for producers, processors, and retailers;
  - Enforcing laws and rules pertaining to licensees; and
  - Collecting and distributing taxes.
Washington Liquor Control Board
Rules

- Public health-related rules
  - Youth access and use (packaging, labeling, educational materials, advertising, signage, youth-targeted products, coupons/giveaways, penalties for sales/distribution to youth, 1,000 foot rule)
  - Consumer-safety related (labeling, cross-contamination, food safety)
  - Relationship to other laws (e.g., State Clean Indoor Air law, Food Code)
  - Indoor v outdoor growing (energy usage/climate change effects)
Federal Guidance

- Federal conflict of laws creates challenges
- Numerous discussions w/federal officials
  - Governor – USAG
  - Congressional leadership
- Federal ‘side-stepping’ – or is it?
  - US AG Guidance to Assistant AGs regarding marijuana enforcement
  - Department of the Treasury Guidance regarding Bank Secrecy Act
Additional Resources

- “Public Health Law Research: Theories and Methods”
  Excerpts available at PHLR.org/resources/methods

- “Developing Public Health Regulations for Marijuana: Lessons from Alcohol and Tobacco”
  Online today at 4 p.m. at ajph.aphapublications.org

Marijuana Legalization & Local Public Health Response - Lessons from King County, WA
Regulating Non-Medical Marijuana: Lessons Learned and Paths Forward
Thank you for attending.

Please join us for our upcoming webinar:

Expanding Medical Marijuana Laws: Current Policies and Implications for Public Health

Presented by the Network for Public Health Law and Public Health Law Research
Thursday, May 15 at 1 p.m. (ET)

networkforphl.org/webinars